

**CONTRACEPTION FOR INMATES**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jennifer Dailey-Provost**

Senate Sponsor: Luz Escamilla

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to the care of prisoners.

**Highlighted Provisions:**

This bill:

- ▶ requires a jail to provide a prisoner with the option of continuing certain medically prescribed methods of contraception; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**17-22-8**, as last amended by Laws of Utah 2019, Chapter 385

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **17-22-8** is amended to read:

**17-22-8. Care of prisoners -- Funding of services -- Private contractor.**

(1) Except as provided in Subsection [(4), the] (5), a sheriff shall:

(a) receive [all persons] each individual committed to jail by competent authority;



28 (b) provide ~~[them]~~ each prisoner with necessary food, clothing, and bedding in the  
 29 manner prescribed by the county legislative body; ~~[and]~~

30 (c) provide each prisoner medical care when:

31 (i) the ~~[person's]~~ prisoner's symptoms evidence a serious disease or injury; ~~§→~~ **and** ~~←§~~

32 (ii) the ~~[person's]~~ prisoner's disease or injury is curable or may be substantially  
 33 alleviated; and

34 ~~[(iii) the potential for harm to the person by reason of delay or the denial of medical  
 35 care would be substantial.]~~

36 ~~§→ [(iii) delay or denial of medical care is likely to cause physical or psychological harm to  
 37 the prisoner; and] ←§~~

38 (d) provide each prisoner, as part of the intake process, with the option of continuing  
 39 any of the following medically prescribed methods of contraception:

40 (i) an oral contraceptive;

41 (ii) an injectable contraceptive; or

42 (iii) an intrauterine device, if the prisoner was prescribed the intrauterine device

43 because the prisoner experiences serious and persistent adverse effects when using the methods  
 44 of contraception described in Subsections (1)(d)(i) and (ii).

45 (2) A sheriff may provide the generic form of a contraceptive described in Subsection  
 46 (1)(d)(i) or (ii).

47 ~~[(2) The]~~ (3) A sheriff shall follow the provisions of Section 64-13-46 if a prisoner is  
 48 pregnant and gives birth, including the reporting requirements in Subsection 64-13-45(2)(c).

49 ~~[(3) The]~~ (4) (a) Except as provided in Subsection (4)(b), the expense incurred in  
 50 providing ~~[these]~~ the services required by this section to prisoners shall be paid from the county  
 51 treasury, except as provided in Section 17-22-10.

52 (b) The expense incurred in providing the services described in Subsection (1)(d) to  
 53 prisoners shall be paid by the Department of Health.

54 ~~[(4)]~~ (5) If the county executive contracts with a private contractor to provide the  
 55 services required by this section, the sheriff shall provide only those services required of ~~[him]~~  
 56 the sheriff by the contract between the county and the private contractor.